

the inventor of the instant case and was not "by another". Applicant believes an appropriate showing has been made to overcome this 102(e) rejection by the enclosed 1.131 and 1.132 Declaration/Affidavit, and the enclosed Recordation and Assignment Instruments.

Allowable Subject Matter

The Examiner has recited "Claims 4-6 and 17-20 are allowed. The Examiner also recites "The art of record does not teach or fairly suggest a supply chain method as described in the rejection of claims 7-14, supra, adding the additional steps of sealing and unsealing a vacuum draw path". Applicant Agrees.

The Examiner objects to Claims 15, 16, and 21-24 as being dependent upon a rejected base claim but would be allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims. Applicant elects at this time avoid such substantive claim revisions whereas not to introduce to the Examiner such changes. Applicant reserves the right to re-write said claims at a later time during prosecution of this RCE.

Applicant has amended Claims 7-14 only to remove references to the "label and the step of providing a medical waste and/or conversion label". Claims 7-14 now recite subject matter previously defined allowable as the "supply chain method" "adding the additional steps of sealing and unsealing a vacuum draw path" recited by the Examiner on page 5 last sentence under "Allowable Subject Matter"

Applicants believes that amending Claims 7-14 to remove the label related subject matter, also removes the underlying basis for the 112 rejection of Claims 7-14 removing any reliance on the "label and step of providing a medical waste and/or conversion label" for the 112 rejection whereas it does not exist in the Amended Claims.

Applicant believes, based on the foregoing removal of said 112 rejection reliance, by elimination of the label subject matter and by submission of the appropriate legal documents enclosed herewith on common ownership, inter alia, the 112 and the 102(e) rejections are overcome. Because of this, Applicant now believes that removal of the underlying basis for which the Examiner relies, for objections to Claims 15, 16, and 21-24 is also provides basis for overcoming the Objections to and the Applicant believes this renders the 112 and the 102(e) rejections basis no longer tenable in the instant case. Applicant now believes the basis of objection for Claims 15, 16, 21-24 is removed and now Claims 15, 16, and 21-24 in this RCE/Amendment are now in a condition of allowance.

In The Claims

Claims 4-6, and Claims 11-22 remain unchanged now having the prior parenthetical express" (New)" removed to reflect no changes in this Claim Amendment. Claims 15, 16, 21 & 22 now depend from Claims Applicant believes are in a condition for allowance. Applicant believes these Claims are in a condition for allowance.

Claims 7, 8, 9, and 10 are amended only to remove the subject matter related to the "label and step of providing a medical waste and/or conversion label", leaving the subject matter unchanged that relates to "the supply chain method and sealing and unsealing a vacuum draw path". Applicant believes these Claims are in a condition for allowance.

Claim 23 recites the same language but now depends from Claim 5. Claim 23 now depends from an allowed Claim and Applicant believes this Claim 23 is in a condition for allowance.

Claim 24 recites the same language but now depends from Claim 23 which now depends from allowed Claim 5. Applicant believes Claim 24 is now in a condition for allowance.

Applicant believes the new claims define subject matter of the instant case in which the applicant believed, based on the generality of the forgoing, are now allowable and in a condition which the Applicant is legally entitled to patent protection.

Should the examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by Examiners amendment, if the Examiner feels this would facilitate passage of the case to issuance. Alternatively should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the examiner is invited to telephone the undersigned.

Respectfully submitted,

medIndica-Pak, Inc./Applicant

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